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6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 BRITESMILE, INC.,

10 Plaintiff,

No. C 02-03220 JSW

11 v.

**ORDER GRANTING MOTIONS
TO WITHDRAW**

12 DISCUS DENTAL, INC., et al.

13 Defendants.
14 _____/

15 The motions filed Foley & Lardner LLP and Drinker Biddle & Reath LLP to withdraw
16 as counsel for Salim A. Nathoo, DDS, Ph.D (“Dr. Nathoo”) and Oral Health Clinical Services,
17 LLC (“OHCS”) are fully briefed and ripe for decision. The Court finds the motions suitable for
18 disposition without oral argument. Civ. L.R. 7-1(b). Accordingly, the hearing set for November
19 18, 2005, on these motions is VACATED.

20 Having found good cause based on Dr. Nathoo failure to pay his attorneys’ fees, the
21 Court HEREBY GRANTS the motions filed Foley & Lardner LLP and Drinker Biddle & Reath
22 LLP to withdraw as counsel with respect to Dr. Nathoo in the above captioned case. Dr. Nathoo
23 shall proceed hereinafter *pro se* and the parties must serve him personally with all papers and
24 motions in this matter.

25 When withdrawal by an attorney from an action is not accompanied by simultaneous
26 appearance of substitute counsel, leave to withdraw may be subject to the condition that papers
27 continue to be served on counsel unless and until the client appears by other counsel. *See* Civ.
28 L.R. 11-5(b). In this matter, OHCS has not consented to the withdrawal of counsel, and cannot

1 represent itself. *See Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); Civil
2 Local Rule 3-9(b). Therefore, the Court conditionally GRANTS counsel's motions to withdraw
3 with respect to OHCS upon the condition that the withdrawal will not be effective until
4 December 13, 2005 or until substitute counsel makes an appearance, whichever occurs sooner.

5 Because a corporation cannot represent itself, OHCS must file a substitution of attorney
6 by no later than December 13, 2005. OHCS is admonished that failure to retain substitute
7 counsel may result in the Court entering a judgment against it or dismissing its counterclaims.
8 Counsel are hereby ordered to serve this Order upon OHCS, by no later than November 18,
9 2005.

10 **IT IS SO ORDERED.**

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12 Dated: November 15, 2005

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14 UNITED STATES DISTRICT JUDGE
15 JEFFREY S. WHITE
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United States District Court

For the Northern District of California